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Saks & Company LLC

CAROL INGRAM, ) Case No.: 2:21-cv-01767-JCM-VCF  
)  
Plaintiff, )  
) **DISCOVERY PLAN AND**  
) **SCHEDULING ORDER**  
) **SUBMITTED IN COMPLIANCE**  
) **WITH LR 26-1(b)**  
v. )  
)  
SAKS & COMPANY LLC, a Delaware )  
limited liability company d/b/a SAKS )  
FIFTH AVENUE; DOES I-X and ROE )  
ENTITIES I-X, inclusive, )  
)  
)  
Defendant. )  
)

(1) **Discovery Cutoff Date.** The discovery period will close on May 4, 2022, which is 180 days from the date of the filing of Defendant's Answer.

(3) Expert Witness Disclosures. The disclosure of any expert witnesses shall be made on or before March 4, 2022, which is not less than 60 days before the

1 discovery deadline. The disclosures of any rebuttal experts shall be due on or before  
2 April 4, 2022. The requirements of F.R.C.P. 26(a)(2)(B) shall apply to any such  
3 disclosures.

4 (4) Dispositive Motions. Dispositive motions shall be filed by June 3,  
5 2022, which is 30 days after the discovery cut-off date.

6 (5) Pretrial Order. The Joint Pretrial Order shall be filed by July 5, 2022,  
7 which is the first court day 30 days after the dispositive motions deadline. However,  
8 in the event that dispositive motions are filed, the date for filing the Joint Pretrial  
9 Order shall be suspended until 30 days after a decision on the dispositive motions or  
10 further order of the Court. The disclosures required by Federal Rules of Civil  
11 Procedure 26(a)(3), and any objections thereto, shall be included in the Joint Pretrial  
12 Order.  
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14 (6) Initial Disclosures. The parties will make their Initial Disclosures by  
15 December 13, 2021, with no changes in the form or requirements for such disclosures.

16 (7) Discovery Subjects. The parties may conduct discovery within the  
17 scope of Federal Rules of Civil Procedure 26(b). Subject to the foregoing, discovery  
18 need not be limited or focused on particular issues or conducted in phases. The parties  
19 agree that before any discovery dispute becomes the subject of a motion filed with the  
20 Court, in addition to the meet and confer requirements imposed by the Federal Rules  
21 of Civil Procedure and local rules, the parties will request a conference with the  
22 Magistrate Judge.  
23

24 (8) Electronically Stored Information (“ESI”). The parties recognize that  
25 electronically-stored information may be involved in this matter and prefer to deal  
26 with such information on an ad hoc basis as issues may arise. The parties have  
27 discussed whether they intend to present evidence in electronic format to jurors for the  
28

1 purpose of jury deliberations, but no stipulations have been reached at this time  
 2 regarding providing discovery in an electronic format compatible with the Court's  
 3 electronic jury evidence display system.

4 (9) Protection of Privileged/Trial Preparation Material. The parties prefer  
 5 to handle these issues on an ad hoc basis as issues arise, but the provisions of Fed. R.  
 6 Civ. P. 26(b)(5)(B) and Federal Rules of Evidence 502 shall apply.

8 (10) The parties certify they have conferred about the possibility of using  
 9 alternative dispute resolution processes, including mediation, arbitration and early  
 10 neutral evaluation and have considered consent to trial by a magistrate judge under 28  
 11 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and use of the Short Trial Program (General  
 12 Order 2013-01).

14 KAPLAN COTTNER

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By: /s/ Scott M. Mahoney, Esq.  
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 Attorneys for Defendant

18 IT IS SO ORDERED

19   
 UNITED STATES MAGISTRATE JUDGE

20 DATED: 11-23-2021  
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